

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**TENTATIVE ORDER NO. R9-2003-0005
NPDES PERMIT NO. CA0109134**

**WASTE DISCHARGE REQUIREMENTS
FOR**

NATIONAL STEEL AND SHIPBUILDING COMPANY

SAN DIEGO COUNTY

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The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. National Steel and Shipbuilding Company (NASSCO) is a ship construction, modification, repair, and maintenance facility located in San Diego, California. Operations at NASSCO generate or have the potential to generate discharges of waste to San Diego Bay, an enclosed bay within the San Diego region.
2. Discharges of waste from NASSCO to San Diego Bay have been regulated pursuant to the General Shipyard Permit, Order No. 97-36, NPDES Permit No. CAG039001.
3. Ship construction, modification, repair, and maintenance activities at NASSCO result or have the potential to result in discharges of wastes and pollutants that could cause or threaten to cause pollution, contamination, or nuisance; adversely impact human health or the environment; cause or contribute to violation of an applicable water quality objective; and/or otherwise adversely affect the quality and/or beneficial uses of waters of the state and waters of the United States, particularly San Diego Bay. Such activities include abrasive blasting, hydroblasting, grinding, painting, tank cleaning, removal of bilge and ballast water, and removal of antifouling paint. A variety of wastes and pollutants are generated or are present at NASSCO, including but not limited to: paint chips, abrasive grit, solvents, materials of petroleum origin, and heat. These wastes and pollutants are discharged or have the potential to be discharged by a variety of pathways, including storm water, tidal action, wind, overspray, spills, and leaks. Discharges prohibited by Order No. R9-2003-0005 include:
 - i. Water contaminated with abrasive blast materials;
 - ii. Paint, oils, fuels, lubricants, solvents, or petroleum;
 - iii. Hydroblast water;
 - iv. Tank cleaning water (resulting from tank cleaning operations to remove sludge and/or dirt);
 - v. Clarified water from oil/water separation;

- vi. Steam-cleaning water;
- vii. De-mineralizer and reverse osmosis brine;
- viii. Floating drydock sump water (when the drydock is in use as a work area or when the drydock is not in use as a work area but before the sump has been purged following the drydock being used as a work area);
- ix. Oily bilge water;
- x. Contaminated ballast water; and
- xi. First flush storm water runoff from high risk areas (“first flush” and “high risk areas” are defined in *Attachment E* of this Order).

NASSCO currently diverts these discharges to the San Diego Metropolitan Sanitary Sewer System (SDMSSS).

4. NASSCO’s facility operations could result in discharges to San Diego Bay of wastes and pollutants which pose less of a threat than those identified in *Finding 3* above. These discharges are regulated by this Order provided best management practices are implemented. Such discharges include:

- i. Floating drydock submergence/emergence water;
- ii. Pipe and tank hydrostatic test water;
- iii. Vessel washdown water;
- iv. Graving dock flood water;
- v. Shipbuilding ways flood water;
- vi. Graving dock gate and wall leakage water;
- vii. Shipbuilding ways gate and wall leakage and hydrostatic relief water; and
- viii. Storm water runoff other than the first flush of storm water from high risk areas.

5. The following discharges were regulated by the General Shipyard Permit and are currently being diverted to the San Diego Metropolitan Sanitary Sewer System (SDMSSS). They will be a prohibited discharge to San Diego Bay without prior notification to the Regional Board. Such discharges include:

- i. Saltbox water;
- ii. Steam condensate;
- iii. Compressor and condenser non-contact cooling water;
- iv. Shipbuilding ways gate and wall leakage water;
- v. Graving dock gate and wall leakage water;
- vi. Floating drydock sump water; and
- vii. Miscellaneous low volume water.

6. The industrial point source discharges to San Diego Bay, as identified in NASSCO’s Report of Waste Discharge dated April 15, 2002 are:

- i. Fire Protection Water (FP-1, FP-2, FP-3, FP-4, and FP-5),
- ii. Hydrostatic Relief Water (HR-1, HR-2, and HR-3),
- iii. Floating Drydock De-ballast Water (M-1),
- iv. Graving Dock Flood Dewatering (M-2),
- v. Ways 3 Flood Dewatering (M-3),
- vi. Ways 4 Flood Dewatering (M-4),
- vii. Hydrostatic Testing Water-New Vessels (M-5),
- viii. Graving Dock Gate De-ballast Water (M-6), and
- ix. Pipe and Tank Hydrostatic Test Water (M-8).

These discharges do not ordinarily come in contact with wastes or pollutants (other than heat for 6.i) and no wastes or pollutants are ordinarily added by the activities.

- 7. Ship construction, modification, repair, and maintenance activities also result or have the potential to result in discharges to San Diego Bay of wastes and pollutants which pose less of a threat to water quality than the discharges listed above. These discharges include marine fouling organisms removed from unpainted, uncoated surfaces by underwater operations.
- 8. Ship construction, modification, repair, and maintenance activities are undertaken by NASSCO as well as by contractors, vessel owners, operators, and crew. This Order applies to those discharges associated with ship construction, modification, repair, and maintenance activities over which NASSCO can reasonably be expected to have control.
- 9. This Regional Board has determined that NASSCO shall pay an annual fee of \$ 20,000 as defined in Title 23, Section 2200, California Code of Regulations (CCR) as adopted on October 3, 2002. The design flow from NASSCO is in excess of five million gallons per day. This is based on flow rates provided in the Report of Waste Discharge.
- 10. Storm water discharges associated with industrial activity at NASSCO provide a potentially significant pathway by which pollutants and wastes could be discharged to waters of the United States. Industrial storm water discharges to San Diego Bay from the NASSCO facility have contained significant concentrations of pollutants, particularly copper and zinc. Although NASSCO operates a Storm Water Diversion System (SWDS) that has the capacity to contain and divert all storm water runoff from the facility to the SDMSSS, the possibility exists for industrial storm water discharges to occur. The acute toxicity specifications in the General Shipyard Permit will remain in effect for all industrial storm water discharges.
- 11. Pursuant to Order No. R9-2002-0002, the Navy is conducting a four-year study regarding toxicity in industrial storm water discharges. The Regional Board encourages NASSCO to participate in this study.
- 12. Sediment monitoring, as specified in Monitoring and Reporting Program No. R9-2003-0005, will not be required until the sediment cleanup at NASSCO is successfully

completed (see Fact Sheet, *Section E.7*). The first set of samples from the NASSCO sampling stations and reference stations are required to be taken concurrently with the last post cleanup sampling.

13. The San Diego Unified Port District (SDUPD) is the trustee of all sites currently known to the Regional Board where ship construction, modification, repair, and maintenance facilities are operated by commercial entities, such as NASSCO. The SDUPD is ultimately responsible for the consequences (e.g. cleanup) of all discharges associated with ship construction, modification, repair, and maintenance activities at sites for which it is the trustee. The SDUPD may also be responsible for the consequences (e.g. cleanup) of all discharges within and from such sites, including those discharges that are not subject to NPDES requirements, pursuant to 40 CFR 122.3. The SDUPD may be responsible for the failure of its tenants to comply with this Order.
14. For purposes of this Order, the term “discharger” means:
 - a. A person who owns and/or operates NASSCO; or
 - b. A person (e.g. a commercial entity engaged in ship construction, modification, repair, and/or maintenance activities), who is a lessee of a site where ship construction, modification, repair, and/or maintenance activities are conducted; or
 - c. A person (e.g. the SDUPD), who is a lessor of a site where ship construction, modification, repair, and/or maintenance activities are conducted. [Note: such lessors are not primarily responsible for day-to-day operations at NASSCO or for compliance with the requirements of this Order (including monitoring and reporting requirements). In order to obtain the assistance of such lessors in obtaining compliance of their lessees with this Order, the Regional Board will notify such lessors of any violations of this Order by their lessees. The Regional Board will not take enforcement action against such lessors for violations of this Order by their lessees unless there is a continued failure to comply by a lessee after the lessor has been given notice of the violations and an opportunity to obtain compliance of the lessee.]
15. The *Comprehensive Water Quality Control Plan, San Diego Basin (9)* (Basin Plan) designates the following beneficial uses of San Diego Bay:
 - Industrial Supply,
 - Navigation,
 - Contact Water Recreation,
 - Non-Contact Water Recreation,
 - Commercial and Sport Fishing,
 - Preservation of Biological Habitats of Special Significance,
 - Estuarine Habitat,
 - Wildlife Habitat,

- Rare, Threatened, and Endangered Species,
 - Marine Habitat,
 - Migration of Aquatic Organisms, and
 - Shellfish Harvesting.
16. According to 40 CFR 122.44(k) of the NPDES regulations, Best Management Practices (BMPs) may be included as permit conditions to control or abate the discharge of pollutants. The implementation of BMPs for the discharge of industrial wastes associated with ship construction, repair, and maintenance activities (as described in *Findings 4, 5, and 6*) are appropriate. A BMPs Program that emphasizes pollution preventive measures should be an effective method to abate the potential for the discharge of pollutants and wastes from the facility. This Order requires NASSCO to develop, implement, and maintain a BMPs plan (Attachment B).
 17. The USEPA promulgated the final California Toxic Rule (CTR) on May 18, 2000 as required by Section 303(c)(2)(B) of the federal Clean Water Act. The CTR regulations, codified in 40 CFR 131.38, establish numeric criteria for water quality standards for priority toxic pollutants for the State of California. The CTR and the Implementation Policy are applicable to discharges from ship construction, modification, repair, and maintenance activities that occur at NASSCO.
 18. The *Policy for Implementation of Toxic Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (Implementation Policy) provides guidance for the development of effluent limits for priority toxic pollutants that will be consistent with water quality criteria for such pollutants promulgated by the USEPA in 40 CFR 131.38.
 19. Discharge criteria established pursuant to Sections 301, 302, 303(d), 304, 307, 308, and 402 of the CWA, as amended, are applicable to ship construction, modification, repair, and maintenance facilities and activities, including NASSCO.
 20. The waste discharge requirements contained in this Order implement the federal NPDES regulations for permitting discharges of pollutants from point sources to waters of the United States and constitute an NPDES permit. The requirements contained in this Order are based on applicable water quality control plans (including the Basin Plan) and state and federal regulations (including NPDES regulations in 40 CFR), guidelines, standards, and policies (including the Enclosed Bays and Estuaries Policy). The requirements contained in this Order are in conformance with the goals of the Clean Water Act (CWA) and Porter-Cologne Water Quality Control Act. This Order is consistent with the provisions of 40 CFR 131.12 (Antidegradation Policy) and SWRCB Resolution No. 68-16 (*Statement of Policy with Respect to Maintaining High Quality of Water in California*). Compliance with conditions of this permit will protect and maintain beneficial uses of San Diego Bay.

21. The issuance of an NPDES permit to NASSCO for discharges associated with ship construction, modification, repair, and maintenance facilities and activities is exempt from the requirements for the preparation of environmental documents under the provisions of the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 21000, et seq.) in accordance with CWC § 13389.
22. This Order does not preempt or supersede the authority of municipalities, flood control agencies, or other local agencies to further prohibit, restrict, or control discharges to sanitary sewer systems, storm drain systems, or other watercourses subject to their jurisdiction.
23. This Order shall be modified or revoked at any time if, on the basis of any data, this Regional Board determines that continued discharges could cause unreasonable degradation of the aquatic environment.
24. This Regional Board, in establishing the requirements contained herein, considered factors including, but not limited to the following:
 - a. The beneficial uses to be protected and the water quality objectives required to meet these beneficial uses;
 - b. Past, present and probable future beneficial uses of water;
 - c. Environmental characteristics of the receiving water under consideration, including the quality of those receiving waters;
 - d. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area;
 - e. Economic considerations;
 - f. The need for developing housing within the region;
 - g. The need to prevent nuisance;
 - h. The need to develop and use recycled water; and
 - i. Other waste discharges.[California Water Code (CWC) § 13263 & 13241]
25. This Regional Board has notified interested parties of its intent to issue waste discharge requirements for NASSCO and has provided them with an opportunity to submit their comments [CWC § 13378 & 13384].
26. This Regional Board, in a public meeting, heard and considered all comments pertaining to waste discharge requirements for discharges from NASSCO [CWC § 13378 & 13384].

IT IS HEREBY ORDERED that National Steel and Shipbuilding Company (NASSCO), hereinafter discharger, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the Clean Water Act, as amended, and regulations and guidelines adopted thereunder, shall comply with the following:

A. PROHIBITIONS

1. The discharger shall comply with all requirements of the Basin Plan Waste Discharge Prohibitions (*Attachment C*) which are hereby included in this Order by reference.
2. The discharge of sewage, except as noted in the Basin Plan Waste Discharge Prohibitions, to San Diego Bay is prohibited.
3. The discharge of industrial process waste, as listed in Finding No. 3, is prohibited [Enclosed Bays and Estuaries Policy (EBEP)].
4. The discharge of the first flush of storm water runoff from high risk areas is prohibited, except if the pollutants in the discharge were reduced to the extent that compliance with the requirements of *Discharge Specification B.4* is achieved.
5. The discharges of municipal and industrial waste sludge and untreated sludge digester supernatant, centrate, or filtrate to San Diego Bay is prohibited [EBEP].
6. The discharge of rubbish, refuse, debris, materials of petroleum origin, waste zinc plates, abrasives, primer, paint, paint chips, solvents, and marine fouling organisms, and the deposition of such wastes at any place where they could eventually be discharged is prohibited. This prohibition does not apply to the discharge of marine fouling organisms removed from unpainted, uncoated surfaces by underwater operations and discharges that result from floating booms that were installed for "Force Protection" purposes (see *Prohibition 10*). (Rubbish and refuse include any cans, bottles, paper, plastic, vegetable matter, or dead animals deposited or caused to be deposited by man.) [EBEP]
7. The discharge of materials of petroleum origin in sufficient quantities to be visible is prohibited [EBEP].
8. The discharge or bypassing of untreated waste to San Diego Bay is prohibited. (This prohibition does not apply to non-contact cooling water, miscellaneous low volume water, and fire protection water streams which comply with the requirements of this Order for elevated temperature waste discharges and which do not contain pollutants or waste other than heat.) [EBEP].
9. The discharge of polychlorinated biphenyl compounds, such as those used for transformer fluid, is prohibited.

10. The discharge of wastes and pollutants from underwater operations, (such as underwater paint and/or coating removal and underwater hull cleaning (e.g. "scamping")), is prohibited. This prohibition does not apply to the discharge of marine fouling organisms removed from unpainted and uncoated surfaces by underwater operations, or to discharges that result from the cleaning of floating booms that were installed for "Force Protection" purposes.

B. DISCHARGE SPECIFICATIONS

1. The effluent limitations in **Table 1. Effluent Limitations** apply to discharges of
- Fire Protection Water;
 - Pipe and Tank Hydrostatic Test Water;
 - Hydrostatic Relief Water (Graving Dock, Ways 3, and Ways 4);
 - Flood Dewatering (Graving Dock, Ways 3 and Ways 4);
 - Hydrostatic Testing Water (New Vessels);
 - Floating Drydock De-ballast Water;
 - Graving Dock Gate De-ballast Water; and
 - Discharges Listed in Finding No. 5 (subject to prior notification to Regional Board).
 - i. Saltbox Water,
 - ii. Steam Condensate,
 - iii. Compressor and condenser non-contact cooling water,
 - iv. Shipbuilding ways gate and wall leakage water,
 - v. Graving dock gate and wall leakage water,
 - vi. Floating drydock sump water, and
 - vii. Miscellaneous low volume water.

Table 1. Effluent Limitations.

Constituent / Property	Units	Maximum at any time
Oil & Grease	mg/l	25
Settleable Solids	ml/l	1.0
Turbidity	NTU	75
pH	pH units	Within limits of 6.0 – 9.0 at all times.
Temperature	Not more than 20° F greater than natural temperature of receiving waters.	

2. The following acute and chronic toxicity effluent limits apply to the above discharges except for the discharges listed in Finding No. 5:

Acute toxicity: In a 96-hour static or continuous flow bioassay (toxicity) test, undiluted discharges to San Diego Bay shall not produce less than 90% survival, 50% of the time, and not less than 70% survival, 10% of the time, using a standard test species and protocol approved by the Regional Board except where the percent survival in San Diego Bay Water at the intake location is less than these levels. Where the percent survival in San Diego Bay water at the intake location is less than these levels, the percent survival in undiluted discharges to San Diego Bay which consist of water taken from San Diego Bay shall not be less than the percent survival in San Diego Bay water at the intake location. (In the absence of test results demonstrating otherwise, it will be assumed that the percent survival in San Diego Bay water at the intake location is not less than these levels.) [EBEP]

Chronic toxicity: The chronic toxicity of undiluted discharges to San Diego Bay which consist of water taken from San Diego Bay shall not exceed 1 Toxicity Unit Chronic (TUc), except where the chronic toxicity of San Diego Bay water at the intake location exceeds 1 TUc. Where the chronic toxicity of San Diego Bay water at the intake location exceeds 1 TUc, the chronic toxicity of undiluted discharges to San Diego Bay which consists of water taken from San Diego Bay shall not exceed the chronic toxicity of San Diego Bay water at the intake location. (In the absence of test results demonstrating otherwise, it will be assumed that the chronic toxicity in San Diego Bay water at the intake location does not exceed 1 TUc.)

3. The following acute and chronic toxicity effluent limits apply to the discharges of Saltbox Water; Steam Condensate; Compressor and condenser non-contact cooling water; Shipbuilding ways gate and wall leakage water; Graving dock gate and wall leakage water; Floating drydock sump water; and Miscellaneous low volume water. (The discharges listed in Finding No. 5.):

Acute toxicity: In a 96-hour static or continuous flow bioassay test, the percent survival in undiluted discharges to San Diego Bay shall not be less than 90% survival, 50% of the time, and not less than 70% survival, 10% of the time using a standard test species and protocol approved by the Regional Board.

Chronic toxicity: The chronic toxicity of undiluted discharges to San Diego Bay shall not exceed 1 Chronic Toxicity Unit (TUc), as determined using a standard test species and protocol approved by the Regional Board.

4. The following acute toxicity limit applies to undiluted storm water discharges to San Diego Bay, that are associated with industrial activity:

Acute toxicity: In a 96-hour static or continuous flow bioassay test, the discharge shall not produce less than 90% survival, 50% of the time, and not less than 70% survival, 10% of the time, using a standard test species and protocol approved by the Regional Board.

5. Discharges shall not contain a hazardous substance equal to or in excess of a reportable quantity listed in 40 CFR 117 and/or 40 CFR 302.
6. The discharger shall reduce or prevent the discharge of pollutants through implementation of Best Available Technology economically achievable [BAT, CWA § 301 (b)(2)(A)] for toxic and non-conventional pollutants and Best Conventional Pollution Control Technology [BCT, CWA § 301 (b)(2)(E)] for conventional pollutants. Development and implementation of a BMP Program that complies with the requirements in *Section E-Provisions*, and *Attachment B* of this permit and that achieves BAT/BCT constitute compliance with this requirement. Refer to *Section E.7, Provisions*, for additional requirements.
7. Waste discharges shall be discharged in a manner so as to achieve the most rapid initial dilution practicable to minimize concentrations of substances not removed by source control or treatment. [EBEP]
8. Waste management systems (e.g. wastewater treatment systems and waste storage facilities) shall be designed, constructed, operated, and maintained so as to prevent the discharge of pollutants and maintain indigenous marine life and a healthy and diverse marine community.
9. Waste discharges shall be essentially free of:
 - a. Material that is floatable or will become floatable upon discharge.
 - b. Settleable material or substances that may form sediments which will degrade benthic communities or other aquatic life.
 - c. Substances which will accumulate to toxic levels in marine waters, sediments, or biota.
 - d. Materials that result in aesthetically undesirable discoloration of receiving waters.
 - e. Substances that significantly decrease the natural light to benthic communities and other marine life.

C. RECEIVING WATER LIMITATIONS

Discharges shall not cause or contribute to violations of the following receiving water limitations:

1. There shall be no adverse impact on human health or the environment.
2. There shall be no impairment of any beneficial use, or violations of the applicable Basin Plan Water Quality Objectives (*Attachment C*), or any applicable State water quality control plan or policy.

3. Marine communities, including vertebrate, invertebrate, and plant species, shall not be degraded.
4. Natural light shall not be significantly reduced as the result of the discharge of waste.
5. The rate of deposition of inert solids and the characteristics of inert solids in sediments shall not be changed such that benthic communities are degraded.
6. The dissolved sulfide concentration of waters in and near sediments shall not be significantly increased above that present under natural conditions.
7. The concentration of substances in marine sediments shall not be increased to levels that would degrade indigenous biota.
8. The concentration of organic materials in sediment shall not be increased to levels that would degrade marine life.
9. Substances shall not be present in the water column, sediments, or biota at concentrations that adversely affect beneficial uses or which will bioaccumulate to levels that are harmful to aquatic organisms, wildlife, or human health.

D. SPECIAL CONDITIONS

Discharges from emergency fire fighting activities are not prohibited by this permit and are not subject to the requirements herein.

E. PROVISIONS

1. The discharger shall develop and implement an adequate BMP Program that achieves BAT/BCT. The BMP Program shall be developed and implemented in accordance with *Attachment B* to prevent, or minimize the potential for, the release of pollutants to waters of the state and waters of the United States. The discharger shall amend its BMP Program whenever:
 - a. There is a change in facility design, construction, materials, operation, or maintenance that materially affects the potential for discharge of pollutants into waters of the state or waters of the United States. (In these situations, the amended BMP Program shall be implemented concurrent with the changes specified above.);
 - b. Changes to the BMP Program are necessary to prevent a violation of this Order. (In these situations, the amended BMP Program shall be implemented in time to

prevent such violations.);

- c. Changes to the BMP Program are necessary to correct a violation of this Order. (In these situations, the amended BMP Program shall be implemented to correct such violations as soon as possible.); or
 - d. Directed to do so by this Regional Board. (In these situations, the amended BMP Program shall be implemented in accordance with time frames specified by the Regional Board.)
2. Where this Regional Board determines that the discharger's BMP Program is not maintained or adequate, the discharger shall amend its BMP Program in accordance with time frames specified by this Regional Board. Where this Regional Board determines that the discharger is not adequately implementing its BMP Program, the discharger shall immediately modify implementation of its BMP Program accordingly.
 3. The discharger shall submit a copy of each amendment to the BMP Program to this Regional Board no later than the implementation date of the amendment.
 4. A copy of this Order and the BMP Program manual shall be kept at a readily accessible location at the discharger's site and shall be available to onsite personnel at all times.
 5. The discharger shall comply with lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges entering storm drain systems or other watercourses under their jurisdiction, including applicable requirements in municipal storm water management programs developed to comply with NPDES permits issued by this Regional Board to local agencies.
 6. The discharger shall comply with all requirements of the Standard Provisions (*Attachment D*), which are part of this Order.
 7. Implementation of a BMP Program does not, in and of itself, constitute compliance with the receiving water limitations or other requirements of this Order. If discharges cause or contribute to any impairment of a beneficial use or any violation of the receiving water limitations of this Order, the discharger shall conduct an investigation to determine the source(s) of pollutants causing or contributing to such impairment or violation, and the persistence thereof. Based on the findings of the completed investigation, the discharger shall submit to this Regional Board a technical report that presents the results of this investigation, evaluates whether its BMP Program will prevent future beneficial use impairment and receiving water limitation violation, and includes a description of and schedule for implementation of any necessary modifications to its BMP Program. The discharger shall complete and submit the technical report within 60 days after the impairment or violation is identified, unless a different time frame is specified by this Regional Board. The discharger shall document the status and effectiveness of such

modifications to the BMP Program in its annual report (see *Monitoring and Reporting Program No. R9-2003-0005*).

8. It shall not be a defense for the discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order.
9. It shall not be a defense for the discharger in an enforcement action that effluent limitation violations are a result of analytical variability rendering the results inaccurate. The validity of the testing results, whether or not the discharger has monitored or sampled more frequently than required by this Order, shall not be a defense to an enforcement action.

F. REPORTING REQUIREMENTS

1. Annually, the discharger shall evaluate the data collected pursuant to *Monitoring and Reporting Program No. R9-2003-0005* and determine if the data indicates that the discharge has caused or contributed to an exceedance of applicable water quality objectives or impairment of water quality needed for designated beneficial uses in San Diego Bay.
2. The discharger shall file a new Report of Waste Discharge not less than 180 days prior to the following:
 - a. Addition of any industrial waste to the discharge or the addition of a new process or product resulting in a change in the character of the wastes;
 - b. Significant change in disposal method (e.g., change in the method of treatment which would significantly alter the nature of the waste);
 - c. Significant change in disposal area (e.g., moving the discharge to a disposal area significantly removed from the original area, potentially causing different water quality or nuisance problems);
 - d. Increase in flow beyond that specified in this Order; or
 - e. Other circumstances, which result in a material change in character, amount, or location of the waste discharge.
3. The discharger shall give advanced notice to this Regional Board of any planned changes in the regulated facility or activity, which may result in noncompliance with the requirements of this Order.

4. The discharger must notify this Regional Board, in writing, at least 30 days in advance of any proposed transfer of this facility to a new discharger. The notice must include a written agreement between the existing and new discharger containing a specific date for the transfer of this Order's responsibility and coverage between the current discharger and the new discharger. This agreement shall include acknowledgement that the existing discharger is liable for violations up to the transfer date and that the new discharger is liable on and after the transfer date.
5. The discharger shall report any noncompliance which may endanger health or the environment orally to this Regional Board within 24 hours from the time the discharger becomes aware of the circumstances. The following occurrences must be reported to this Regional Board within 24 hours:
 - Any upset which causes the effluent limitations of this Order to be exceeded; and
 - Any violation of any prohibition of this Order.

The discharger shall submit to this Regional Board a written follow-up report within ten days unless this Regional Board explicitly waives submittal of the written report on a case-by-case basis if the oral report has been received within 24 hours. The written report must contain the following items:

- A description of the noncompliance and its cause;
 - The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
6. The discharger shall notify the Regional Board prior to discharging any wastes listed in Finding No. 5, that is, salt box water; steam condensate; compressor and condensor non-contact cooling water; shipbuilding ways gate and wall leakage water; graving dock and wall leakage water; floating drydock sump water; and miscellaneous low volume water. Pursuant to Section 2.2 of the Implementation Policy (see Section E.4 of the Fact Sheet to Order No. R9-2003-0005), additional monitoring will be required and this Regional Board will conduct a Reasonable Potential Analysis (RPA) to determine if effluent limits are needed.
 7. The discharger shall furnish to this Regional Board, within a reasonable time, any information which this Regional Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order, or to determine compliance with this Order. The discharger shall also furnish to this Regional Board, upon request, copies of records required to be kept by this Order.
 8. When the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge, or submitted incorrect information in a Report of Waste Discharge,

or in any report to this Regional Board, it shall promptly notify this Regional Board of the failure and submit corrected facts or information.

9. All applications, reports, or information submitted to this Regional Board shall be signed and certified as follows:
 - a. All Reports of Waste Discharge shall be signed as follows by a responsible corporate officer. For purposes of this section, a responsible corporate officer includes: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. [40 CFR 122.22]

NOTE: The USEPA does not require specific assignments or delegations of authority to responsible corporate officers identified in 40 CFR 122.22. The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under 40 CFR 122.22 rather than to specific individuals.

- b. All reports required by this Order, and other information requested by this Regional Board shall be signed by a person described in *Section F.9.a* of this Order, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described in paragraph a. of this reporting requirement;
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and,

- (3) The written authorization is submitted to this Regional Board.
- c. If an authorization under *Section F.8.b* of this Order is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of *Section F.8.b.* must be submitted to this Regional Board prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Any person signing a document under *Section F.8.a* and *b* of this Order shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

10. All reports prepared in accordance with the terms of this Order shall be available for public inspection at the offices of the California Regional Water Quality Control Board, San Diego Region and the United States Environmental Protection Agency, Region IX.
11. The discharger shall submit reports and provide notifications as required by this Order in accordance with the following:
- a. Reports to be submitted to this Regional Board shall be sent to:

California Regional Water Quality Control Board
San Diego Region
Attn: Industrial Compliance Unit
9174 Sky Park Court, Suite 100
San Diego, California 92123-4340

Notifications to be provided to this Regional Board shall be made to:
Telephone - (858) 467-2952 or
Facsimile - (858) 571-6972

Reports to be submitted to the U.S. EPA shall be sent to:

U.S. Environmental Protection Agency
Region IX

Compliance Office (WTR-7)
75 Hawthorne Street
San Francisco, California 94105

G. NOTIFICATIONS

1. This Order shall become effective 10 days after the date of its adoption, provided the Regional Administrator or Director, U.S. EPA, has no objection. If the Regional Administrator or Director objects to its issuance, this Order shall not become effective until such objection is withdrawn.
2. This Order expires on February 5, 2008. However, it will continue in force and effect until superseded by a new permit or rescinded.
3. This Order includes requirements for storm water discharges associated with industrial activity at ship construction, modification, repair, and maintenance activities at NASSCO. This Order supercedes the statewide general industrial storm water permit adopted by the SWRCB (Order No. 97-03-DWQ, NPDES General Permit No. CAS000001).
4. This Order does not include requirements for storm water discharges associated with construction activity. NASSCO needs to be regulated under the statewide general construction storm water permit adopted by the SWRCB (currently Order No. 99-08 DWQ, NPDES General Permit No. CAS000002) for discharges to which that Order applies.
5. This Order does not apply to discharges of radioactive materials regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region on February 5, 2003.

TENTATIVE
JOHN H. ROBERTUS
Executive Officer
February 5, 2003